

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK, §
§
Plaintiff, § CIVIL ACTION No. 4-Y-12-CV-303
v. § JUDGE RON CLARK
UNITED RECOVERY SYSTEM, LP §
§
Defendant. §

ORDER TO CONSOLIDATE CASE FOR TRIAL

The court informed the parties that it was considering the consolidation of this action with *Mack v. Capital Mgmt. Servs., Case No. 4-12-cv-314* for trial purpose. Federal Rule of Civil Procedure 42 allows for consolidation when the cases share common questions of law and fact. Defendant United Recovery Systems filed a brief regarding consolidation. (Doc. # 45). Plaintiff David E. Mack filed a brief stating that he did not object to consolidation. (Doc. # 46).

While Defendant raised concerns regarding the expense to witnesses, jury confusion, and potential juror bias, it does not object to conservation of judicial resources by consolidation. Defendant Capital Management Services filed a similar brief, articulating the same concerns, but also acknowledging the benefit to judicial economy of combining the cases. The court will therefore consolidate the cases under Federal Rule of Civil Procedure 42.

In light of the consolidation of the cases, Defendant asks for the opportunity to conduct independent voir dire; a limitation of time for the opening statements, the presentation of evidence, and closing arguments; and a set order for when the parties will present evidence regarding each defendant. This court will limit the time for the presentation of evidence in its Order on Limitation of Trial Time. All other concerns may be discussed at the Final Pretrial

Conference, set for Wednesday September 18, 2013, at 9:00 am, which will be conducted by video conference between Sherman and Beaumont.

IT IS THEREFORE ORDERED that this action and the above-mentioned action shall be consolidated for trial purposes.

So **ORDERED** and **SIGNED** this **19** day of **August, 2013**.



Ron Clark, United States District Judge